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10/564,253

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24498

7590

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EXAMINER

GESESSE, TILAHUN

ART UNIT

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2618

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |                                      |  |
|------------------------------|---------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/564,253  | <b>Applicant(s)</b><br>BICHOT ET AL. |  |
|                              | <b>Examiner</b><br>Tilahun B. Gesesse | <b>Art Unit</b><br>2618              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/08 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 9/15/08 have been fully considered but they are not persuasive.

On page 5 third paragraph of response office correspondence , applicant argued that Aaltonen et al. teaching channel 23 is not analogous to the data channel of the claim invention.

3. The examiner respectfully disagrees. In response to applicant's argument that channel 23 is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). It is clear that return channel 23 is a bi-directional data channel and communicates or exchanges data with device (3).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,5-8,13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen et al (US 7,236,771) in view of Sibley (US 2001/0053700).

Claim 1, Aaltonen teaches a method for providing video to at least one Subscriber(3) in a wireless Local Area Network (1) broadcast video information and local access network (27) (see figure 1 and (column 1, lines 30-37 and col. 3, lines 38-col. 4, line 9).

Aaltonen teaches receiving video from at least one source,( network 15 , column 3, lines 44-48).

Aaltonen teaches broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a wireless data channel (network 27 and device 3 of fig.)over which data is transmitted (11a-11c) (video broadcast channel (120) different from data channel see figure 2) in which unidirectional video broadcasting stations to terminal subscriber (3).

Aaltonen teaches maintaining the video channel in a one-way Broadcast only mode at least while the video Channel carries video, (120 of fig.2) thereby precluding a subscriber from up-linking information on the video channel (see figure 2, video channel is a one-way broadcast only mode (120) which does

not transmit request signal back to the network but request signal is transmitted via network (27).

Aaltonen does not expressly teach encoding the video into at least one prescribed format.

However, Sibley teaches TV broadcasting network, which encodes TV information into prescribed format (see paragraph 0036 and fig.1).

One of ordinary skill in the art would be motivated to encode the video to convert into different format in order to broadcast the video using RF frequency.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to encode video information into digital form ,as taught by Sibley in order to eliminate noise , since electrical signal loses strength over distance in which noise introduces in to the signal.

Claims 5-6 Aaltonen teaches the video is received from multiple sources (see figure 1, internet and TV network 13 and 15 of figs.1-2).

Claims 7-8, Aaltonen teaches a method for providing video to at least one Subscriber(3) in a wireless Local Area Network (1) broadcast video information and local access network (27) (see figure 1 and (column 1, lines 30-37 and col. 3, lines 38-col. 4, line 9).

Aaltonen teaches receiving video from at least one source,( network 15 , column 3, lines 44-48).

Aaltonen teaches broadcasting the video on a video channel having an RF

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carrier frequency different from a carrier frequency of a wireless data channel over which data is transmitted (11a-11c) (video broadcast channel (120) different from data channel between network 27 and device 3) see figure 2) in which unidirectional video broadcasting stations to terminal subscriber (3).

Aaltonen teaches maintaining the video channel in a one-way Broadcast only mode at least while the video Channel carries video, (120 of fig.2) thereby precluding a subscriber from up-linking information on the video channel (see figure 2, video channel is a one-way broadcast only mode (120) which does not transmit request signal back to the network but request signal is transmitted via network (27).

Aaltonen does not expressly teach encoding the video into at least one prescribed format.

However, Sibley teaches TV broadcasting network, which encodes TV information into prescribed format (see paragraph 0036 and fig.1).

One of ordinary skill in the art would be motivated to encode the video to convert into different format in order to broadcast the video using RF frequency.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to encode video information into digital form ,as taught by Sibley in order to eliminate noise , since electrical signal loses strength over distance in which noise introduces in to the signal.

Claim 13, Aaltonen teaches a method for providing video to at least one

Subscriber(3) in a wireless Local Area Network (1) broadcast video information and local access network (27) (see figure 1 and (column 1, lines 30-37 and col. 3, lines 38-col. 4, line 9).

Aaltonen teaches receiving video from at least one source,( network 15 , column 3, lines 44-48).

Aaltonen teaches broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a wireless data channel over which data is transmitted (11a-11c) (video broadcast channel (120) different from data channel between network 27 and device 3) see figure 2) in which unidirectional video broadcasting stations to terminal subscriber (3).

Aaltonen teaches maintaining the video channel in a one-way Broadcast only mode at least while the video Channel carries video, (120 of fig.2) thereby precluding a subscriber from up-linking information on the video channel (see figure 2, video channel is a one-way broadcast only mode (120) which does not transmit request signal back to the network but request signal is transmitted via network (27).

Aaltonen teaches providing a bi-directional wireless data channel for a data LAN separate and distinct from the video LAN and in communication with mobile station device ( see figure 2) in which network 27 and device 3 interfaces data channel wirelessly.

Aaltonen does not expressly teach encoding the video into at least one prescribed format.

However, Sibley teaches TV broadcasting network, which encodes TV information into prescribed format (see paragraph 0036 and fig.1).

One of ordinary skill in the art would be motivated to encode the video to convert into different format in order to broadcast the video using RF frequency.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to encode video information into digital form ,as taught by Sibley in order to eliminate noise , since electrical signal loses strength over distance in which noise introduces in to the signal.

Claim 14, Aaltonen teaches setting up different protocol layers with a minimum static configuration within the mobile wireless communication device (see column 3, line 38-column 4, lines 11 and figs.1-2).

Claims 2-4,9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen in view of Sibley, as applied to claims 1,5-8 and 13-14 above, and further in view of Benveniste (US 2003/0174690)

Claim 2-4,9-12 Aaltonen does not expressly teach wireless LAN utilizes at least one of the IEEE 802.11 and ETSFHiperlan2 protocols and NAV (network allocation Vector).

However, Benveniste teaches wireless LAN utilizes at least one of the IEEE802.11 and ETSFHiperlan2 protocols and NAV (network allocation Vector) (see paragraph 0016-0017 and 0029).

It would have been obvious to one of ordinary skill in the art at the time of



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the invention was made to use IEEE802.11 and ESTFHiperlan2 protocols, as taught by Benveniste , in order to minimize the costly infrastructure using short range accessing point.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B. Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 3, 2008

Tilahun B Gesesse

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T.B.G

Primary Examiner  
Art Unit 2618

/Tilahun Gesesse/  
Primary Examiner, Art Unit 2618